

The operating rights herein proposed to be transferred originated by operations conducted prior to Chapter 317 of the Acts of 1917, as amended, confirmed by tariffs filed by A.M.Akins March 1, 1917, for the operation of an automotive service for the transportation of property between Calistoga and Lower Lake. No intermediate points were named in this tariff.

By Decision No.14511, on Application No.10733, dated January 30, 1925, A. M. Akins & Sons were authorized to establish property service "between Lower Lake and Subs Early Subdivision and intermediate points including Clear Lake Highlands, Austin's Woodlands, Clear Lake Park and Sulphur Bank Quicksilver Mine, together with the territory two miles on either side of the County road traveled between the points named herein."

By Decision No.20384, on Application No.14879, dated October 24, 1928, A.M. Akins & Sons were granted certificate "for the transportation of freight between Lower Lake and Kelseyville and Lakeport and intermediate points, said service to be an extension of and consolidated with their existing operative rights between Calistoga and Lower Lake and Lower Lake and Subs Early Subdivision."

While it appears from the record cited that the original right was established by A.M. Akins, an individual, and subsequent rights were granted to A.M.Akins & Sons, a co-partnership, the present application cures any technical differences of ownership by establishing all the existing rights in A.M. Akins individually carrying out the purpose intended by Decision No.20384 on Application No.14879.

We are of the opinion that this is a matter in which a public hearing is not necessary and that the application should be granted.

A.M. Akins is hereby placed upon notice that "operative rights" do not constitute a class of property which should be capitalized or used as an element of value in determining reasonable rates. Aside from their purely permissive aspect, they

extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be changed or destroyed at any time by the state which is not in any respect limited to the number of rights which may be given.

IT IS HEREBY ORDERED that the above entitled application be, and the same is hereby granted, subject to the following conditions:

1- The consideration to be paid for the property herein authorized to be transferred shall never be urged before this Commission or any other rate fixing body as a measure of value of said property for rate fixing, or any purpose other than the transfer herein authorized.

2- Applicants A.M.Akins & Son shall immediately unite with applicant A.M.Akins in common supplement to the tariffs on file with the Commission covering service given under certificate herein authorized to be transferred, applicants A.M.Akins & Sons on the one hand withdrawing, and applicant A.M. Akins on the other hand accepting and establishing such tariffs and all effective supplements thereto.

3- Applicants A.M. Akins & Sons shall immediately withdraw time schedules filed in their name with the Railroad Commission, and applicant A.M. Akins shall immediately file, in duplicate, in his name time schedules covering service heretofore given by applicants A.M. Akins & Sons, which time schedules shall be identical with the time schedules now on file with the Railroad Commission in the name of applicants A.M. Akins & Sons, or time schedules satisfactory to the Railroad Commission.

4- The rights and privileges herein authorized may not be sold, leased, transferred nor assigned, nor service thereunder discontinued, unless the written consent of the Railroad Commission to such sale, lease, transfer, assignment or discontinuance has first been secured.

5- No vehicle may be operated by applicant A.M.Akins unless such vehicle is owned by said applicant or is leased by him under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 24th day of July, 1931.

C. S. Seaver

M. B. Harris

Fred G. Stewart

COMMISSIONERS.